10/521083 12 JAN 2005

Rec'd PGT/PTO

PTO/SB/01 (09-04) Approved for use through 07/31/2006. OMB 0651-0032 U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION (37 CFR 1.63) Declaration Submitted With initial Filing Gurcharge (37 CFR 1.16 (e)) required) I hereby declare that: Each inventor's residence, mailing address, and citizenship are as stated below next to their name. I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled: HANDHELD TOOL FOR BREAKING UP ROCK (Title of the Invention) the specification of which is attached hereto OR Was filed on (MM/DD/YYYY) O7/29/2005 as United States Application Number or PCT International Application Number PCT/US03/23615 and was amended on (MM/DD/YYYY) N/A (if applicable). I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application which designated at least one country other than the United States of America, listed below and have also identified below by checking the box, any foreign	Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.									
DESIGN PATENT APPLICATION (37 CFR 1.63) Declaration Submitted With initial Filing (sucharage (37 CFR 1.16 (e)) Filing Date Art Unit Examiner Name I believe the inventor's residence, mailing address, and citizenship are as stated below next to their name. I believe the inventor's on amed below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled: HANDHELD TOOL FOR BREAKING UP ROCK Was filed on (MM/DD/YYYY)	DECLARATION I	EOD LITH I		Attorney Docket			MJH-110-1US			
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	Prior Foreign Application		Foreign Filing							
Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.										
Additional foreign application numbers are instead on a supplemental priority data shorts a second of a	Additional foreign ap	plication number			priority dat	a sheet P	TO/SB/02B a	attached hereto.		

[Page 1 of 2]
This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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DECLARATION — Utility or Design Patent Application The address OR Correspondence Direct all **√** 32722 associated with address below correspondence to: Customer Number: Name Mary-Jacq Holroyd, Johnston, Holroyd & Associates Address 1438 Main Street State ZIP City w 24740 Princeton Telephone Fax Country 304-425-2103 304-425-5385 US I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. NAME OF SOLE OR FIRST INVENTOR: A petition has been filed for this unsigned inventor Family Name or Surname Given Name (first and middle [if any]) Carroll **Bassett** Inventor's Date January 6, 2005 State Citizenship Residence: City Country W۷ US US Friars Hill Mailing Address HC68 Box 64B State Zip Country City wv 24938 Friars Hill บร NAME OF SECOND INVENTOR: A petition has been filed for this unsigned inventor Given Name (first and middle [if any]) Family Name or Surname Date Inventor's Signature State Country Citizenship Residence: City Mailing Address City State Zip Country Additional inventors or a legal representative are being named on the _supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.

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Application Number	filed herewith				
Filing Date	filed herewith				
First Named Inventor	Carroll Bassett				
Title	Handheld Tool for Breaking Up Rock				
Art Unit					
Examiner Name					
Attorney Docket Number	MJH-110-1US				

I hereby revoke all previous powers of attorney given in the above-identified application.							
I hereby appoint:							
Practitioners associated with the Customer Number:							
OR OR				_/}_			
Practitioner(s) named I	pelow:						
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as my/our attorney(s) or ager Trademark Office connected	t(s) to prosecute the application therewith.	identified above,	and to	transact all busin	ess in the U	nited States Patent and	
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The address associated with Customer Number: OR							
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Address	1438 Main Street						
City	Princeton	Princeton				Zip 24740	
Country	US						
Telephone	304-425-2103 Fax 304-425-5385			304-425-5385			
I am the: Applicant/Inventor. Assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)							
SIGNATURE of Applicant or Assignee of Record							
Signature	well and to				Date	January 6, 2005	
Name Carro	l Bassett				Telephone	304-497-3899	
Title and Company							
NOTE: Signatures of all the inversignature is required, see below*	tors or assignees of record of the en	tire interest or their	represer	ntative(s) are require	ed. Submit mu	ultiple forms if more than one	
*Total of 1	forms are submitted.						

This collection of information is required by 37 CFR 1.31, 1.32 and 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.